

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JAMAL EDDINGS

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2:16cr00004-008

Electronic Filing

MEMORANDUM ORDER

AND NOW, this 16th day of May, 2018, upon due consideration of defendant Jamal Eddings' post-sentence motion for a new trial, IT IS ORDERED that [752] the motion be, and the same hereby is, denied.

A notice pursuant to 21 U.S.C. § 851 was not filed against defendant and his sentence was based entirely on the application of the United States Sentencing Guidelines. In fact, defendant enjoys a considerable benefit with regard to the sentence he did receive, which was a substantial variance from the advisory Career Offender sentencing range of 151 to 188 months. And any question about the inapplicability of the protections afforded by the Sixth Amendment right to a jury trial definitively was resolved adversely to defendant's current position in Beckles v. United States, -- U.S. --, 137 S. Ct. 886 (2017). Consequently, his motion is without merit and properly has been denied.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

Cc: Heidi Grogan, AUSA
Brian D. Aston, Esquire

United States Probation Office
United States Marshal Service

(Via CM/ECF Electronic Mail)